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## **The impact of local commissioning on victim services in England and Wales: an empirical study.**

This paper follows on from earlier work in which I discussed the potential impacts of local commissioning of victim services by Police and Crime Commissioners (PCC) in England and Wales (Simmonds 2016). The introduction of this elected role and the devolution of responsibility to local Police and Crime Commissioners was said to raise a range of issues for both victims and the voluntary sector, given that agencies within this sector are major providers of support for those affected by crime. Before 2014 the approach to the funding of victim services was not particularly of concern, save for questions being asked in the 'audit culture' of the early 2000s, around the extent to which the government funded agency Victim Support could be said to be providing 'value for money' (House of Commons Committee of Public Accounts (2003); Mawby 2016). However these concerns gained momentum with the incoming Coalition government of 2010, and by 2014 local commissioning had been introduced. The previous mixed economy of service provision, via the largely centrally funded organisation 'Victim Support' as a 'national victims service', and an array of smaller and more financially independent victim agencies who had to bid for pots of funding much more competitively, gave way to a free market for all (Simmonds 2016)<sup>i</sup>. In order to explore the implications of this, representatives from a group of voluntary sector agencies in the far southwest of England were interviewed in order to see what their experiences, so far, have been.

### **Keywords**

Local commissioning, Police and Crime Commissioner, voluntary sector, neo-liberalism, Victim Support

### **Background**

In 2014 the provision of victim services within England and Wales experienced a seismic shift, away from the longstanding combination of service provision that had developed over the past forty years. That model of provision had comprised of a voluntary sector in which the largely centrally funded national agency Victim Support, and a range of smaller organisations whose funding was not necessarily so stable, were located (Simmonds 2016; Williams, 2016). Victim Support provided a framework of local services to victims of a range of crimes throughout England and Wales, and as such took the form of a generic service. Other voluntary agencies tended to offer more specialist services to victims of crimes such as rape and sexual assault and domestic abuse, as well as even more specific services working on behalf of victims in response to particular high profile cases, for example the Suzy Lamplugh Trust (see <https://www.suzylamplugh.org/> ) and the Zito Trust (see <http://www.zitotrust.co.uk/> ).

As has been discussed elsewhere Victim Support developed in the 1970s in order to fill the gap that existed between offenders and victims, as prior to this there had been little or no specific provision made for victims of crime as actors within the criminal justice system (Mawby and Walklate 1994; Mawby 2016). Effectively victims had long been regarded as the 'Cinderella' of the criminal justice system, and so Victim

Support was developed to create a more level playing field for them (Mawby and Walklate 1994). Victim Support had therefore enjoyed a long history wherein its core funding was provided via direct grant from central government. Indeed by 2008 the agency had been shaped by the then New Labour government into a national victims' service (Victim Support 2012). As such the central office in London (the National Association of Victim Support Schemes) was at the heart of a highly developed network of local schemes across England and Wales<sup>ii</sup>. The national office in London acted as a regulatory body, setting standards of service for the network of local schemes, and re-distributing grant aid from the Ministry of Justice to those local schemes. As I and others have discussed, Victim Support provides emotional and practical help to victims of a range of crimes, and so for many years enjoyed the total confidence of government and state agencies such as the police (Simmonds 2013; 2016; Mawby 2016). This was due in part, no doubt, to the increasing professionalisation which the agency had developed over a long period of time (Maguire and Kynch (2000); Simmonds 2005, 2009, 2013).

Victim Support had been financed by central government as the 'go to' service, to which the police referred victims. By way of confirming the high level of esteem that the government held Victim Support in, the first Victims' Charter in 1990 was the only agency mentioned to whom the police could refer victims. Whilst the subsequent Victims Charter of 1996, and later Codes of Practice for Victims in 2006, 2013 and 2015, have since widened the referral offer that can be made, Victim Support continued to be the only generic victims' agency, and the only agency which had attracted core funding from central government. In this way it had remained at the top of the table so to speak.

In 2014 the government, in responding to Directive 2012/29/EU calling for greater clarity around the accessibility of victim services, introduced the local commissioning of victim services (European Union Agency for Fundamental Rights, 2016), as reflected in the latest Code of Practice for Victims in 2015 (Ministry of Justice, 2015). This meant that the responsibility for providing services would now be shared by the Ministry of Justice and local Police and Crime Commissioners throughout England and Wales (Wedlock and Tapley 2016). Mawby (2016) adds that this move was also a direct policy change by the UK government, so that service provision:

'... would largely, be localised; funding would be by competitive tendering; and service outcomes would be rigorously assessed.' (Mawby 2016: 11)

Essentially the main message coming from the UK government was that victim services were to be localised with funding being awarded in response to competitive bidding, tying in neatly with the increasing neo-liberalism which has been in ascendency since the late 1970s, both in the UK and elsewhere (Gamble, 2001; Harvey, 2005), and so working to undermine centrally provided welfare solutions (Madoc-Jones et al., 2015). This move also drew upon the rhetoric of austerity that has been well played out in the UK since 2010 (Callanan et al., 2012a; O'Hara, 2015).

Within each police authority, Local Police and Crime Commissioners have been required to take responsibility for victim services, and to enable victims' easy access

to service providers. In the area under scrutiny a Victim Care Unit is now in place, as is an online Victim Care Unit Directory, so that victims who report crime to the police (or not) can be referred or refer themselves to support agencies from that Directory. Victims referred to the Victim Care Unit, after reporting crime, will be assisted to identify the agency/agencies to which they may then be referred. Searches can be entered into the Victim Care Unit Directory using three categories; 'type of crime', 'I want help with' and 'I want help from'. Interestingly the Directory contains the details of many providers, some of whom whose work is specifically targeted towards victims of crime, but others whose services are not primarily victim oriented<sup>iii</sup>.

So, prior to the move to local commissioning, victims who reported crime to the police would be referred to victim support providers based on the type of crime experienced. Those ending up at Victim Support's door would be offered emotional and practical support, but could be signposted on to other agencies, depending upon their need for more specialist/longer term help<sup>iv</sup>. It is probably fair to say that Victim Support had then built up a huge knowledge base of support agencies working within the same localities, to whom they could refer victims on to.

A number of issues have been raised in and around the shift to local commissioning of victims' services, which have been discussed at length elsewhere (Simmonds, 2016). An initial issue is that of the political nature of the PCC role. When in 2012 the Ministry of Justice first mooted, and then swiftly confirmed, that local Police and Crime Commissioners were to be given responsibility for commissioning victim services in their localities, the fact that the PCC was democratically elected attracted challenge from practitioners and academics alike. Davis (2014) reported that 50% of candidates in the PCC elections in 2012 identified as Conservative, and so speculated on the way in which such commissioners may undertake their role viewing victims more narrowly/conventionally<sup>v</sup>. For example such approaches may see economic principles being placed ahead of models of good practice, such as gendered service provision for victims of domestic/sexual violence and abuse. Such monetarily directed approaches have attracted criticism (Robinson and Rowlands, 2006; Hester et al., 2012). Other commentators predicted that the appointment of individuals with political affiliations could be questioned, in terms of the power that such affiliations may hold for influencing the electorate (Duggan and Heap, 2014).

In terms of funding, voluntary sector agencies have little by way of independent means, and so have no choice other than to engage with commissioners (Benson and Hedge, 2009), giving way to what has been called the 'magnetic pull' of public funding (Corcoran, 2009). Bath (2011) saw this as evidence of voluntary sector organisations becoming 'instruments of the state', inasmuch as in the example of victim services, agencies carry out work that potentially the state itself could undertake. In keeping with these lines of argument, the work of Davies (2014) is relevant, and the words of a Conservative PCC from that research illustrate this:

'Actually I could say, well you're not all having the money unless you go for a joint bid and start to work together.'

(Conservative PCC 1)

Mawby and Smith (2013) discussed the lack of representation by elected PCCs of their communities, in terms of gender and ethnicity, a trend that has been repeated in the 2016 election (Joyce, 2017). Davis (2014) noted also how the potential for the principle of accountability, which was fundamental to the new role (May 2010), was already at stake inasmuch as many of the PCCs elected in 2012 had decided not to stand for re-election in 2016<sup>vi</sup>. This, one may argue, has the potential to destabilise the environment in which victim services are operating, where the extent to which agencies can rely on funding streams continuing may be a constant concern (Williams 2016).

Low turnouts for PCC elections have also been a trend, albeit the 2016 turnout was better (27.3% in 2016 versus 15.1% in 2012) (Electoral Commission 2016). Gilling has also added to this discussion, noting how government adopted 'putative technology' in employing 'electoralism' to bring about democratic localism (2014: 95). And so again the lack of turnout challenges the extent to which PCCs are true reflections of their communities as a whole, and of all victims. This and the political nature of the role of the PCC is also said to question the extent to which they will fund services for victims who may be less visible and/or less appealing to 'their' electorate (and to their political views). Liberty (2012) expressed 'grave concerns' at the prospect of competitive tendering at the local level to a political head such as the PCC. They saw the danger of funding going to services that gain more support from the electorate, such as more 'visible' and/or 'deserving' victims, and responded in this manner to the Ministry of Justice initial consultation document in the same year. Liberty were not alone in responding negatively to the idea of the PCC holding the purse strings for victim services, with 136 out of 196 agencies challenging the idea (Ministry of Justice 2012b; Mawby, 2016).

The writing of funding bids and the increasingly competitive nature of attracting funding, were further issues that the shift to local commissioning raised. Of course, voluntary sector agencies have a long established history of bidding for contracts, but the intensity of competition within neo-liberalism, made even more visible by the shift to local commissioning as a 'competitive endeavour' (Ministry of Justice 2012a; 2012b) has the potential to 'up the ante' even more in this respect. It is perhaps true to say that the move to local commissioning has brought the notion of competition 'closer to home', as small agencies are competing against each other more often to the same local body - the PCC.

Morgan (2012) and Clayton et al., (2012) noted how smaller voluntary sector agencies are potentially competing for more complex contracts which they do not always have the infrastructure to support. Hirst and Rinne went on to talk about the heavier burden that submitting such bids places on smaller agencies, where for example they may not have the necessary bid-writing skills easily to hand. In effect this means that smaller agencies will spend:

'...far more of their time on collating and checking, and monitoring performance information for their funders...'

(Hirst and Rinne, 2012: 40)

Smaller agencies may then become even more reliant upon volunteer labour and subject to the risks that this can produce. A further issue is the risk that the voluntary sector itself will be swallowed up by bigger commercial providers who have professional bid-writing teams (Hirst and Rinne, 2012). This has occurred under the Transforming Rehabilitation agenda where offender management has been opened up to competition at the local level, and smaller agencies face much greater risks in competing against larger companies (Gelsthorpe and Hedderman, 2012; Mythen et al., 2012).

The evaluation of services by 'outcomes' versus 'outputs' has been a further issue that the move to commissioning by the PCC has raised, as this was a central tenet of 'The Victims' Services Commissioning Framework' (Ministry of Justice 2013). This identified outcomes as:

'...the changes, benefits, learning or other effects that happen as a result of services and activities provided by an organisation which result in sustainable change in user behaviour, condition and/or satisfaction.

(Ministry of Justice 2013: 21)

A number of questions arise from this, which 'The Victims' Services Commissioning Framework', amongst others, considered (Ministry of Justice, 2013). Flint, in his work, stated that creating and collecting data on outcome measures is not necessarily straightforward (2010). For example, when is the right time to collect data, particularly 'distance travelled' data, so that victims are treated with respect and dignity? It was also envisaged that some agencies would have specialist staff who could create such measuring tools, whereas others would have to rely upon frontline staff undertaking this. In this way an earlier report advised that staff training would be required (Callanen et al., 2012b).

Some outcomes may take a long time to measure, for example a victim returning to work, which could occur after support has ceased. The use of hard 'binary' measures has also been critiqued, for example the use of 're-offending' as a yardstick for 'success' for women offenders is often too simplistic (Plechowicz, 2015). One may argue that the use of 'simple' binary measures for measuring the success of victim services is equally problematic; for example whether or not a victim has been re-victimised within a certain period, or whether they have reported the crime to the police (Simmonds, 2016). Specialist victim services support smaller numbers of victims whose needs are greater and more complex. Such services will potentially face difficulties in devising appropriate measures that are well thought out, and so avoid negative impacts upon a service, and upon their success of securing funding (Callenan et al., 2012b).

One of the principles on which the local commissioning of victim services rests is that of 'partnership' and 'multi-agency' working (Ministry of Justice, 2013). Whilst this principle has a long history for the criminal justice system and agencies working within or related to it (Crawford and Evans, 2017), the notion of functioning in this way, whilst at the same time being 'in competition', is not necessarily realistic (Madoc-Jones et al., 2015). A review of partnership and multi-agency working

around children's services identified the uncertainty and vulnerability of funding as a major obstacle to partnership and multi-agency working, stating that the concern which dominated such working was money '...getting it, keeping it and spending it...' (Santos et al., 2004: 36). The review noted that the focus upon finances was magnified by a real sense of the fragility of, and the short-termism in funding, as well as the impact that the competition for scarce resources was exerting on agencies. This impact was a threat to 'community cohesion', in other words the idea that agencies could 'work together'. Williams (2016), likewise, has also commented on how voluntary sector victim agencies have seen a shift over the last 30 – 40 years from charitable organisations as sources of funding, to the much greater reliance on state related bodies, to whom they must now bid competitively. Clearly the move to commissioning at the local level via the Police and Crime Commissioner, as noted earlier, has the potential to add to this sense of competition, and within it, protectionism.

## **Methodology**

The research for this paper was undertaken via qualitative interviews with representatives from nine local voluntary sector agencies located within the far southwest of England at a time when the first term of office for PCCs was coming to an end. PCCs had been in situ since 2012, albeit the commissioning of services commenced in 2014 (Gov.UK 2013). By the time of the interviews, agencies had therefore had around one year's experience of local commissioning via the PCC.

The agencies taking part largely supported victims of sexual and domestic abuse, however one agency, a local branch of the national organisation Victim Support, supports victims across a range of crimes. Two of the agencies taking part were local Sexual Assault Referral Centres (SARCs), and so in this sense differed from the more 'independent' rape crisis organisations. One agency worked only with children and young people who have experienced sexual/domestic abuse.

It is important to note the nature of the agencies involved in this research, particularly given their respective histories in terms of access to funding both before and after the shift to local commissioning via the PCC. A number of agencies providing services to victims of rape and sexual assault are what may be termed grass roots feminist inspired agencies, whose history of accessing funding has been turbulent (Mawby and Walklate 1994; Williams 2016). Such agencies have not necessarily enjoyed the same relationship with the state and its agents, as for example Victim Support, and this in the past played out in terms of their ability to grow and obtain enough and consistent funding.

Other agencies such as the SARCs, have a different relationship potentially with the state and its agents (Robinson and Hudson, 2011), given that they were introduced as a government initiative in 1986, and funding has therefore come from a number of sources including statutory agencies such as the NHS and the Police (Lovett et al., 2004). SARCs are in effect a one stop shop wherein a range of services are offered by both statutory and voluntary sector providers. For example, the collection of

forensic evidence will be undertaken by a statutory service provider, whilst emotional support will be provided by the voluntary sector element of the service; in these ways providers work together under one roof, and so seek to reduce the level of trauma that rape and sexual assault victims face in reporting the crime and going through the court process (Robinson and Hudson, 2011). This model, where different elements of service provision meet, is mirrored elsewhere within the sample. For example one agency relies upon a social enterprise organisation to provide physical space for part of its work, whilst drawing upon 'pots' of money from different providers to fund the emotional and personal support work that staff and volunteers undertake. In this way a 'holistic' domestic abuse service is provided. Another sexual assault agency had benefited initially from Ministry of Justice funding via the Rape Support Grant, when it was set up originally, however such funding was time limited rather than providing ongoing guaranteed financial support. This has therefore thrown the agency into the position of having to chase future funding, following the shift to local commissioning via the PCC.

All of this means that within the sample, we have some agencies that have faced huge struggles over time in achieving initial and continued funding, whereas others have experienced greater levels of ease in their developmental journey, given either who they are connected to and/or the financial and ideological interest from government. In order to recruit agencies to the sample, contact was made with a number of agencies known to the author, who had received funding from the PCC, and who were included in the Victim Care Unit Directory. Within the interviewing process, further contacts were obtained and followed up. This does mean that the sample is as such, a snowball sample (Bryman, 2016), however it is comprised of agencies whose histories in terms of funding and stability of service may be quite different. This in effect makes the analysis and interpretation of the data gathered somewhat challenging.

## **Findings and analysis**

The findings from the research are reported under four main headings: the politics of the PCC, the impact of outcome measures, issues relating to funding, competitive bidding and the commissioning process, and finally the extent to which the new system is working for agencies and, therefore for, victims alike.

### **The politics of the PCC**

Whilst we asked initially about the political nature of the PCC, and the impact agencies felt this would have/was having, it became clear that the post-holder at the time was well-liked as an individual. This, to some extent, challenges some of the views put forward in response to the government's plan to devolve commissioning to PCCs, but shows also the uncertainty around who could have been elected (Ministry of Justice, 2012b):

'...brilliant ...very thoughtful ...who does genuinely care about victims of crime, particularly vulnerable victims... I think we were quite anxious when the PCCs came – who would we get? I know that up country they have got



some dreadful PCCs who have not given any money to the voluntary sector and who have not worked in partnership at all.'

(Agency 3)

This uncertainty was repeated in terms of the elected nature of the post, tying in with predictions that a number of PCCs would not stand for re-election (Mawby and Smith, 2013)<sup>vii</sup>:

'... I do have all sorts of nervousness about X going, but nationally I don't think the picture is altogether rosy.'

(Agency 4)

'I think the fact that it's an elected position, the fact that the person can change so easily, and have a brand new vision, that's a challenge, because it takes a long time to get any kind of service set up.'

(Agency 7)

Agencies were concerned about the party political nature of the role of PCC, and the power that post-holders were to be given in undertaking commissioning, as documented in the paperwork setting out the plans for this (Ministry of Justice, 2012a):

'...I mean they can do what they want, they are powerful people...'

(Agency 3)

Others considered the political nature of the role and the impacts this may have for agencies who traditionally been viewed as more radical:

'Some people say there are issues if your face doesn't fit. ... Women's Aid for example are feminist based, most domestic abuse services were set up on this basis but we are now in a diverse culture and commissioners have to commission in that way. ... if you got an organisation like Women's Aid who have been doing it for 40/50 years, to get them to bend as well is actually quite difficult ...'

(Agency 2: Domestic Abuse)

Respondents identified the 'problem' for some agencies in adhering to the more 'old school' feminist philosophies around single (female) gender services (Mawby and Walklate, 1994). Unsurprisingly the agency commenting above was one that had taken up the baton of gender neutral services as part of its menu of provision.

Another respondent spoke of the drive for 'gender neutral' sexual abuse support, and their fears for their feminist inspired service, again with the next election in mind:

'...it does really worry me ...but it is difficult and I think the nature of the work we do, I don't think necessarily when people are going to be putting themselves forward for the next PCC that our issues are going to be anywhere near the top of their agenda ... at the moment there is this massive

gender neutralisation thing going around violence against women and girls and so much so we don't even talk about violence against women and girls in (name of county), we talk about domestic violence and sexual violence ... We could well be marginalised.'

(Agency 4)

The respondent saying this was drawing upon experiences of bidding to other public sector funding bodies, where an increasing move towards gender neutral services was observed:

'...we lost our IDVA service, it was put out to tender. It was written in a way that as a woman only organisation we couldn't deliver what was asked in there. We had always delivered in partnership with another organisation that had done all the men's work. ... we had delivered that very successfully. ... We lost that bid to an organisation ...never done any domestic violence work ...so our team was axed in half... So all our feminist empowerment model has just gone out of that work and it has been gender neutralised.'

(Agency 4)

This agency had lost funding for a service that they had developed and grown, and so the experience evidences the concerns expressed by Hirst and Rinne (2012), who saw the danger of victim services being re-shaped or 'watered down', in order to ensure success in the bidding process. Liberty (2012) had also spoken of agencies being more likely to be funded where they are supporting victims who are more appealing to the PCC/electorate, and so again for the respondent in question, 'gender specific' service provision seems to be at greater risk where politics abound. The agency further contended that the successful bidder had undercut them, showing economic imperatives gaining ascendancy (Davies, 2014) over the 'best practice' of gendered services for victims of domestic abuse, which Robinson and Rowlands (2006) discuss. The same agency went on to raise the issue of low turnout, playing further into the idea that the PCC is not representative of all victims, and the minority who vote may not be supportive of those deemed as 'less deserving' (Christie, 1986; Liberty, 2012; Mawby and Smith 2013).

'... it concerns me that any post is political and someone can be voted in by a very small percentage of the community.'

(Agency 4)

### **Evaluating victim services: outcomes vs outputs**

The move to using outcome versus output measures, such as the impact that a service would have on a victim, rather than simply counting the number of offers of support being made/accepted, was a major feature of the move to local commissioning. In effect this seems to have been aimed particularly at Victim Support, given that the Ministry of Justice report in 2012 focused upon shifting away from the central funding of victim agencies operating at the local level, and named in particular Victim Support as the agency fitting this description (2012a). Within that report, and in earlier governmental papers Victim Support had been identified as not providing sufficient evidence that they were providing value for money (Public

Accounts Committee 2003; Ministry of Justice 2012a). Interestingly other agencies within the research took the same view:

‘...the reason they took all of their 800 grand away two years ago was because Victim Support were keeping poor data and nobody knew what they were doing, they were seeing very few people.’

(Agency 3)

Of further interest was that the agencies in this research were not overly daunted by demands for outcome measures, and most if not all had been using this approach when evaluating their services. Victim Support acknowledged that they had themselves adopted a ‘distance travelled’ approach to evaluating their service, as advised by the Victims’ Services Commissioning Framework Report (Ministry of Justice, 2013). Indeed early adoption of this may have been part of their success in obtaining funding through the PCC, when other local branches of the service had not been successful (Mawby, 2016):

‘... there is more of a demand ... to look at outcomes ... So that’s what we have done to try and fit into that new world.’

(Agency 7)

Other agencies spoke positively about measuring outcomes, but noted the onerous nature of the increasing demands for services to ‘prove’ success. Whilst they were talking about this in response to questions asked about the local commissioning of victim services by the PCC, it became clear that the issue of evaluating services via ‘outcomes’ is something that other funders require also, and so this is not new to the group of respondents in the current research. Frustration was voiced where the PCC’s requirements for outcome measures are viewed as a further burden in an already over-burdened world of data collection and monitoring:

‘Well we could be delivering more service to more people if we didn’t have to tie up people with writing data and analysing data for six different (funding bodies’) needs’.

(Agency 3)

The following agencies spoke of the resource burdens of not having expertise to hand for submitting multiple returns to funders, resulting in real costs to the agency:

‘...we are employing an in-putter and an analyst to really pull out all the reports that we need because we haven’t got the skills within the organisation, so we are having to invest money that nobody is paying us/giving us, it’s not included in any bid yet.’

(Agency 4)

‘...the problem with all of them is that they are all asking for the same information but in a different way and it’s only going to get worse because if

we do get some funding in from other services, they are going to want again a different set of criteria for their data – it's a nightmare.'

(Agency 6)

The impact of staff time being used to collect data is therefore problematic for small local agencies, as has been discussed elsewhere around the demands upon agencies bidding for contracts for offender management services (Morgan, 2012; Gelsthorpe and Hedderman, 2012; Mythen et al., 2012). Plus as Agency 4 indicated, it's all very well for the government to expect the high quality and quantity of evaluation data, and to advise that agencies may have to employ expert help (Callanan et al., 2012b), but there are real impacts for service provision coming from this.

Finally one agency raised the issue that funders' expectations for agencies being able to produce reliable data may be unrealistic, given the complex lives that people who have been victims of for example domestic/sexual abuse often live. They said that clients would fill in a form at the start, but would not always complete further 'distance travelled' evaluations:

'Every couple of months we send out another form in a stamped addressed envelope ... I reckon we get 25% back, so it's always hard to measure outcomes'.

(Agency 9)

This chimes with the literature around measuring success of offender management services, where many offenders live unstable lives that are not necessarily in tune with the sterile world of 'measurement' (Plechowicz, 2015), as well as Flint's research on evaluating services for families with diverse needs (2010).

## **Funding, competitive bidding and the commissioning process**

### **Funding**

We asked agencies about their funding streams prior to the PCC commissioning being developed, and note how they were, and in the main still are, reliant upon a mix of organisations such as various levels of public sector funding (Ministry of Justice/Local Authority/NHS/Police) and charitable organisations (for example National Lottery, Comic Relief, Children in Need). Voluntary sector agencies have long relied upon multiple sources of funding, which have allowed them to either flourish or founder along the way (Williams, 2016). It became clear that funding was not able to be relied upon, both prior to and after the introduction of the local commissioning model, thus a sense of instability continues:

'...recent past ... MoJ money... You never know from year to year that you are going to get it...at some point prior to the PCC the MoJ fully funded our Court IDVA (Independent Domestic Violence Advisor) for example, now with that change suddenly the money was gone basically so then public health came in and said okay we have come up with half the money, but required the

service to come up with the other half ... we have had to use our reserves to match funding for the last financial year.'

(Agency 5)

'The counselling, which came from the victim, witness and rape support money which was transferred over to PCC money the year before. They (PCC) have supported us by providing money for the counselling service but not all of it, previously it was all funded and now it's about 50% of it is funded, we are currently running the service with full funding for this 6 months but the previous 6 months we only had 50% funding for that service. It sounds really complicated, and it is complicated. From next year the 1<sup>st</sup> of April we've got no funding at all for counselling at the moment so we could have a whole service gone because the PCC won't carry on funding it – although they are very supportive.'

(Agency 6)

For both of these agencies, the funding that would come from the PCC did not cover the whole of their services, and may not be guaranteed from year to year, and so was limited in their view. They also felt let down as the reality of PCC funding became real. The Ministry of Justice had stepped back leaving the PCC with a big gap to fill.

A further issue raised was the 'short termism' of funding, wherein agencies cannot plan, and are uncertain of future funding levels:

'...I don't think I've experienced anything through the PCC that's been a substantial improvement of services ... so by having that money it had kind of helped us in the last year you know and help get this programme off the ground, but in terms of anything substantial no ... we don't even know what we are getting this year, we are getting less...'

(Agency 5)

Such uncertainties and gaps around funding tie in with the evidence presented by a range of authors who talk about the instability of funding facing voluntary sector agencies (Santos et al., 2004; Williams 2016).

One agency, Victim Support, was previously largely funded by direct grant from the Ministry of Justice, and year on year this had been a guaranteed source of income. Now of course, Victim Support have to bid competitively at the local level for funding for their generic service for victims who may have experienced any crime, from the more minor to those that are more serious. Whilst, as noted earlier, the Victim Support service in the current research had been successful in securing funding from the PCC, not all local Victim Support services were commissioned, as Mawby (2016) noted:

‘... so yeah it’s a brave new world ...over the last ten years there was an increase in requirements to provide evidence of what we were doing but I mean looking at it, it was mostly on trust. ...in some places we have done very well, in others there isn’t a Victim Support anymore.’

(Agency 7)

The loss of a local branch of Victim Support has been a blow to the agency, as well as for the pool of victims of potentially lessor crimes, for whom alternative support may be less clearly available (Mawby 2016). Indeed such gaps in provision is something that one could not have envisaged, given the huge efforts by government to ensure local coverage by Victim Support over the past forty years or so (Simmonds 2016).

### **Competitive bidding**

Agencies were asked about the competitive nature of commissioning via the PCC, and whether they felt a heightened sense of competition following the shift to local commissioning. Given that agencies in the main have often had to bid for funding, most acknowledged that they were used to ‘competition’, thus the introduction of the PCC did not fundamentally change the situation. One agency said they were used to having to ‘fight for money’, given that they were one of the more ‘old school’ sexual abuse services, who were very protective of the feminist philosophy which still drives them today, also noting their reluctance to rely too heavily upon particular sources of funding.

‘What I have always been determined to do is keep a mixed pot of funding and not be dependent on any one commissioner’

(Agency 4)

However whilst respondents overall were used to being in competition, it does not mean that people are necessarily comfortable with the situation, in particular the comments below note that funding is limited, which undermines for example the issue of multi-agency working (Santos et al., 2004):

‘We’re all going for the same pots so that’s always difficult because on the one hand you are expected to work in partnership with other agencies, but the next minute you are fighting over the same pots of money.’

(Agency 9)

Another agency raised the potential for large scale companies such as Virgin moving in, again as is occurring and is being critiqued in the literature around the Transforming Rehabilitation agenda (Radcliffe et al., 2013):

‘...it concerns me that some of the tenders that I’ve seen go out in recent times generally have been really written for Virgin Care.’

(Agency 5)

‘...our worries will always be when things are commissioned because it’s the big boys that come and snaffle.’

(Agency 8)

Whilst these agencies are talking about the commissioning of services by funding bodies that include the PCC, rather than talking exclusively about commissioning by the PCC, the worries are nevertheless being expressed.

### **The commissioning process**

There are also concerns being expressed about the commissioning process itself, and the level of scrutiny that services are being subject to. There was a feeling that agencies may be being set up without having the necessary expertise, and submitting bids that fall short of what needs to be put in place. In the example cited below, a service had been commissioned to run a programme in schools, however the person doing this had broken down in tears, thus undermining the quality of delivery:

‘...there needs to be scrutiny, an accreditation process where people reach a threshold...just like Comic Relief, you don’t just get a grant for Comic Relief you go on their training for the day in London. Children in Need as well, and they really put you through it and its good, and it makes you feel like you actually – we deserve that.’

(Agency 1)

### **Is the new system working effectively?**

In the current research, the referral system for victims of crime was via the Victim Care Unit. This is based at police headquarters, and the staff working in the unit have the Victims Care Unit Directory of services which they can search in order to make appropriate referrals. We asked agencies how this model was working, given that this is quite a big shift from the previous arrangements, which rested upon the police and Victim Support as the main referral bodies. Agencies’ responses were mixed with several feeling that the system wasn’t working, because the number of referrals had reduced since the introduction of this system:

‘Does it work – not really. ...where are all of these people going?’

(Agency 1)

This was a fairly common response, although in amongst this, some positive feelings were expressed. For example, victims may need a service that would not necessarily be obvious in the first instance:

‘I actually think that’s a really good idea because this idea of looking at the need of the client is like a crime happens to someone’s life and there are

other needs in there.'

(Agency 7)

The respondent went on to comment that in her view the VCU would progress from being simply a referral unit, to becoming a service provider for those with the least needs:

'...I think they would agree with me when I say initially the idea was very much put forward that they (VCU) weren't going to be a service provider. I think they are moving towards some degree of being a service provider themselves because they are meeting the needs of clients with the least needs. They are making the initial contact and sometimes giving them a call back the next week to make sure they are okay.'

(Agency 7)

Other respondents saw the benefit of being able to easily see what other agencies exist, for the purpose of multi-agency working. This, as we know has been core to the local commissioning plan (Ministry of Justice, 2012a):

'We have been and always encourage multi-agency working here so the victims' hub is an extension of that. What it has done is to allow you to learn about other agencies that are out there which we may not have otherwise learned about.'

(Agency 8)

A major issue highlighted was that the VCU was not always making referrals to the appropriate service provider. An agency working with victims of domestic abuse talked about low risk victims being sent to them erroneously, when they are only funded to work with high and medium risk cases, whilst others noted that referrals were being made beyond the geographical remit of agencies. They commented on the complex nature of the commissioning that has taken place, and the fact that the police and the VCU have to make sense of such complexity:

'I feel sorry for the VCU and the police to be honest with you, they have a really difficult job because of the way of the infrastructure of commissioning that is done in X. ...they (agencies) all have their own different protocols and the police have got to work out *oh hang on we can't do this in this area because they are not commissioned to do it*. ...So some services provide everything and some are very limited in what they provide – but that's the way we were commissioned.'

(Agency 2)

'...some of the referrals we've had to reject because they are in X and out of our area. We don't have an office there and travelling two and a half hours is probably too far to send a volunteer.'

(Agency 5)



The fear that Agency 5 expressed was that the VCU may get used to them 'knocking back' referrals and that this may affect the referral rate to them further:

'...why keep referring to X if every time we are saying oh sorry it's the wrong area, I am going to knock it back.'

(Agency 5)

These experiences and fears chimed with the thoughts of agencies interviewed by Madoc-Jones et al., (2015) where respondents felt that the police in the area under exploration for their work, needed further training under the new arrangements. Similarly in my work, respondents felt that the Victim Care Unit Staff and the police needed more training in order to refine current arrangements, so that victims will be sent to the correct place for assistance. Essentially there are issues for the victim here, if they are directed to the wrong agency, this can delay them getting the support that they need, and so feel a sense of secondary victimisation (Davies et al., 2017) as well as dissatisfaction with the criminal justice system, which victim services are meant to improve (Bradford, 2011; Christie, 2010):

'I think there needs to be more awareness around what it is we can offer, VCU has got to have additional training, police have got to have additional training...'

(Agency 6)

Agencies reflected upon the fact that to a certain extent they were between 'a rock and a hard place' in that victims of sexual assault for example are far less likely to report the crime to the police (HM Government, 2010). This was particularly so for complex cases, where for example the victim and the offender were well known to one another, or the case was historic (Robinson and Hudson, 2011). The perception held of the Victim Care Unit's closer connection with the police, was then of concern for agencies whose clientele may be put off by this:

'...85% of victims of sexual violence never go near the police, and it's (VCU) a police website. It's a police unit, with police personnel on the phone, so we are glad to be part of it because some people do want our service and might be thinking of reporting... but most of our referrals are never going to come through them. ...women are scared for all kinds of reasons to go down that route.'

(Agency 3)

'...you only have to mention the word police to our client group, ... there's so much stigma attached to the police... The police are inextricably attached to the system (VCU) ... our clients would be really frightened of that.'

(Agency 9)

This escalated further into worries that low referral rates through the VCU may result in funding cuts, particularly if payment by results were to be introduced, as in the example of offender management services (Annison et al., 2014):

‘...I think the personalities in place at the moment in the PCC’s office understand that. But you could get someone new come in and say why are we giving them twenty grand a year when they are only seeing ten people? But we’re not, we are seeing hundreds of people, but just not hundreds that went through that route, as that is the statutory police route.’

(Agency 3)

For this particular agency (Agency 3), 50% of referrals are self-referrals, with only 6% of referrals from the police in 2014/2015. Other referrals come from GP and mental health services, but ‘50% won’t go near these agencies, they are not going to disclose to just anyone’. Victims of very complex sexual abuse are, as research shows, more likely to seek help from an independent Rape Crisis agency (Robinson and Hudson, 2011).

A final theme that emerged was that Victim Support’s monopoly had been broken, such that other agencies were ‘more visible’. These comments clearly tapped into perspectives around how the agency had developed, prior to the introduction of local commissioning through the PCC; both in terms of funding and related to this the widening of their client base:

‘...Victim Support wanted to own very victim and wanted to be a specialist in everything, they saw themselves as domestic abuse specialists and sexual violence specialists ... we monitored it for years and that was one of the things that was fed back of course into the PCC. That we never got referrals (from Victim Support) so at least now we are seen as a specialist agency by the VCU and we get referrals.’

(Agency 4)

‘...it is political around here, you talk to any of the Chief Execs of any of any of the agencies, the level and type of referrals coming out of Victim Support suggests that victims are not getting the specialist service that they need. Victim Support is a general service which is great, but they will have lots of people phoning about domestic and sexual violence, and they are not sending them to the correct facilities.’

(Agency 3)

This clearly feeds into what appear to be mixed messages around the notion of local commissioning via the PCC, such that some respondents feel that a ‘wrong’ is being ‘righted’ so that if victims do report to the police, they feel there is a greater chance of the referral being made to them.

## **Discussion and Conclusion**

The aim of this paper has been to explore how voluntary sector victim agencies in England and Wales have been affected by a new form of local commissioning, undertaken by those elected to the relatively new role of Police and Crime Commissioner. As acknowledged earlier, many voluntary sector agencies have long been accustomed to bidding for funding, given that this has been the way in which the voluntary sector has developed over time (Williams, 2016). For these agencies the introduction of local commissioning is then, to some extent, 'business as usual'. However for one particular agency, Victim Support, this shift means that for the first time in many years, its local schemes face competition for access to funding. Notwithstanding these differences, it is clear from the research that the issues reported in this paper are very relevant to the agencies in the current sample. The four main issues that came out of the research were as follows: the political nature of the Police and Crime Commissioner, the focus by the PCC on outcome measures, funding and related issues, and finally, the extent to which the new system was working for agencies and victims alike.

The political nature of the PCC is an issue for victim agencies, given the uncertainties that this has raised. These uncertainties were around 'who' they would get as the PCC, and whether incoming post-holders would bring with them politics with a larger 'P', such that agencies representing victims whose 'faces didn't fit' would potentially face marginalisation. In reporting their concerns around politics entering the commissioning process, agencies told of their wider (negative) experiences when submitting bids for funding at county level for example, and some of the entrenched views that abounded there, as well as commenting on those relating to the PCC.

In talking about the PCC's focus upon outcome measures, this did not cause particular concern for agencies, who all reported that they had been using such measures rather than mere outputs. However digging under the surface of this, agencies were feeling the pressure of collecting data that was more complex, and for multiple funders. These pressures for small agencies were around the diversion of scarce resources away from frontline work. It therefore became clear that whilst the introduction of local commissioning via the PCC had not been the initial cause of such burdens, it was in effect perpetuating the load, and the frustrations that agencies expressed.

In asking about funding it became clear that agencies felt that they were vulnerable, and that for some the introduction of local commissioning via the PCC was not necessarily improving things, particularly given that as the PCC took over, the state, often in the guise of the Ministry of Justice, stepped back to leave gaps in funding that were not always filled. This was evidence of the same fragility that Santos et al. (2004) refer to in their work, and Meek and Mills (2012) in discussing voluntary sector offender management agencies, whose experiences are sharpened by the use of payment by results funding. Agencies spoke of the short-termism of funding, both from wider funding bodies as well as the PCC.

Agencies were largely well accustomed to having to be in competition, however the interviews showed that respondents were not necessarily comfortable with that,

noting the irony at being expected to enter into multi-agency working, particularly when they 'were all going for the same pots'. These comments mirror those of Santos et al. (2004). Others saw the danger that larger companies would move in, just as is occurring within the Transforming Rehabilitation Agenda (Radcliffe et al., 2013). Others felt that commissioning processes need to be robust, so that agencies come under full scrutiny in their funding bids, so as to ensure that good practice will be adhered to (Clayton et al., 2012; Morgan, 2012).

An issue that is specific to the sample on which this paper is based is whether the new commissioning system is working for agencies and victims.<sup>viii</sup> As noted earlier, the system in place provides that Victim Care Unit staff support victims to access services that are listed on an online Directory of Services. A very strong theme from the research was that referrals had reduced since the PCC became involved directly in victim services. For some agencies this raised worries on two counts: firstly for victims, in terms of which agencies they were being referred to, and whether their needs were being met. A second concern was that of funding, where agencies feared the PCC reducing this on the basis of numbers of referrals, given the growing move in other sectors to payment by results. Underpinning this further was the knowledge for some agencies of their service users, such that victims of sexual abuse are generally reluctant to report crimes to the police. This would then feed into fewer referrals from the Victim Care Unit. Whilst agencies felt that Victim Care Unit staff were aware of this crime-specific under-reporting, they were not convinced that this understanding would rise above number crunching judgements as to their efficiency, effectiveness and economy.

Overall the move to commissioning via the PCC, has represented the reinforcement of competition amongst victim support services at the local level, and therein a reinforcement of neo-liberalism at the local level (Mawby, 2016; Simmonds, 2016). Without doubt the fears that commissioning in its widest form, as well as via the PCC, is a political endeavour have been evidenced by the respondents' own words. These words tie into the very nature of the neo-liberal world in which we live, where competition for resources is rife, and in the course of competing individuals are subject to the vulnerabilities and fragilities that have been discussed above.

In order to do full justice to this topic, further research is needed to unpick the finer workings of local commissioning via the PCC. This should be undertaken on a much wider scale and, given that we have now seen a second PCC election, at a point when the model is much more established. This is a baton that is waiting to be picked up.

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<sup>i</sup> Albeit a number of victim services continue to be funded centrally at a national level, where this is seen as warranted by the government, for victims of homicide, victims of trafficking and victims of terrorism; plus of course the national Witness Service (Mawby 2016).

<sup>ii</sup> There were also separate Victim Support schemes for Scotland, Northern Ireland and Jersey.

<sup>iii</sup> An example of this is one agency which offers equine therapy.

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<sup>iv</sup> Whilst Victim Support was set up originally to provide emotional and practical support to victims of a range of crimes, and as such is a 'generic' service, the agency has more recently developed support for victims of more serious crimes such as domestic and sexual abuse.

<sup>v</sup> This result was replicated in the 2016 elections (Association of Police and Crime Commissioners, 2017).

<sup>vi</sup> Indeed this was the case for the PCC in the area under study for this paper.

<sup>vii</sup> The PCC referred to here did not stand for re-election.

<sup>viii</sup> A number of models exist for local commissioning across England and Wales (Wedlock and Tapley (2016), however it has been beyond the scope of this paper to address the models in place.